United Nations A/HRC/34/74

General Assembly

Distr.: General
19 January 2017

Original: English

Human Rights Council
Thirty-fourth session
27 February–24 March 2017
Agenda item 10
Technical assistance and capacity-building

Report of the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 18/18, in which the Council invited the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present a comprehensive report on the Board's work on an annual basis, starting from the twentieth session of the Council. Pursuant to Council resolution 33/28, the present report is submitted to the Council at its thirty-fourth session, in March 2017, instead of at its June session, as originally requested by the Council in resolution 18/18. It provides an update on the work of the Board of Trustees of the Fund since the previous report of the Chair of the Board (A/HRC/32/51).

* The annexes to the present report are circulated as received.

GE.17-00858 (E)

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I. Introduction

A. Background

1. The United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, established by the Commission on Human Rights in its resolution 1987/38, receives voluntary contributions from Governments, organizations and individuals. The objective of the Fund is to provide financial support for technical cooperation aimed at building and strengthening national and regional institutions, legal frameworks and infrastructures that will have a positive long-term impact on the implementation of international human rights standards.

2. The Board of Trustees has been operational since 1993 and its members are appointed by the Secretary-General for a three-year renewable term. The mandate of the Board is to assist the Secretary-General in streamlining and rationalizing the working methods and procedures of the technical cooperation programme. It meets twice a year and reports on its work to the Secretary-General and the Human Rights Council. Its current members are Mariclaire Acosta Urquidi (Mexico), Christopher Sidoti (Australia), Lin Lim (Malaysia), Esi Sutherland-Addy (Ghana) and Ilze Brands Kehris (Latvia). The Board elected Mr. Sidoti as Chair from 30 June 2016 until 30 June 2017.

B. Mandate

3. Throughout the period under review, the Board continued to provide advice on policy and strategic orientation of the technical cooperation components of the Office of the United Nations High Commissioner for Human Rights (OHCHR), notably through its continuing visits to field presences and discussions with all partners. This refocused approach, agreed upon by the Board of Trustees and presented in 2011 to Member States in the annual report of the Secretary-General to the Human Rights Council (A/HRC/16/66), has proved to be particularly useful and appreciated by the Office and its partners with whom Board members have met during its visits.

4. As constituent members also of the Board of Trustees for the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, the Board continued to provide OHCHR with policy guidance in order to maximize the effectiveness of technical assistance and financial support for States in implementing recommendations of the universal periodic review and other international mechanisms at the State level (see A/HRC/32/28). The Board was informed on the 29 projects supported in 2016 by the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review to assist States in establishing and/or strengthening inter-institutional bodies, designing a plan of action for implementation and/or mainstreaming the recommendations made by international human rights mechanisms into national human rights plans of action, implementing key priority human rights recommendations contained in the said plan for implementation, as well as providing support in the context of common country assessments and United Nations Development Assistance Frameworks. The latter support was provided mainly by embedding universal periodic review focal points or advisers to the offices of Resident Coordinators in a number of States.

5. The Board supports the Office as it continues to build on the synergies and complementarities of the two funds, improving their coordination and cooperation, and thereby maximizing their impact. From experience observed in recent years, the Board considers that one area with great impact potential is the full integration of accepted

recommendations as an integral part of United Nations programme tools on the ground, such as the United Nations Development Assistance Frameworks. The decision made by the Office to share thematically clustered recommendations with all Resident Coordinators was welcomed by the Board. As explained by many United Nations actors who met with the Board, this has certainly contributed to more coherent and effective work of the United Nations on the ground. The Board is of the view that, to ensure the coherent implementation of recommendations made by international human rights mechanisms, follow-up with relevant United Nations agencies is vital, in particular when making common country assessments and subsequent United Nations Development Assistance Frameworks, ensuring that any new training in-country includes the said recommendations as the basis for the analysis and definition of outcomes, as well as in the development of the "theory of change".

6. At its two annual sessions, both in Geneva and in countries where OHCHR has a field presence, the Board, together with the Office and all partners, observes and assesses the relevance of technical cooperation programmes, partnerships and the effectiveness of outcomes. The Board always strives to attain a balance in field visits so that they are not limited to those fully funded by the Voluntary Fund for Technical Cooperation, in view of the extension of the Board's mandate to provide overall policy advice broadly on technical cooperation. The Board gathers information on the situation on the ground, the relevance of the programmes requested and proposed, the efficiency and effectiveness of programme delivery in meetings and discussions that it holds with Office management and staff, government officials and State institutions, civil society organizations and specific groups that benefit from the programmes offered by the Office and the United Nations. The information obtained is invaluable for understanding the impact and sustainability of results achieved by technical cooperation.

7. The financial support for OHCHR programmes is not at the required levels to meet needs on the ground; in fact, the funds received through the Voluntary Fund for Technical Cooperation continue to shrink. Briefings on and an analysis of the financial and programmatic elements governing the two funds are becoming more critical than ever. The Board continues to provide advice to OHCHR and its senior management on possible ways to maximize the various complementarities of the two funds, while providing at the same time support for fundraising efforts. As OHCHR will soon be preparing its four-year plan, the Board will provide it with an overview of its main findings during the field sessions and information on the opportunities and ways to strengthen its thematic focus under the Office's technical cooperation programmes.

8. In its resolution 33/28, the Human Rights Council invited the Chair of the Board of Trustees of the Voluntary Fund for Technical Cooperation to present the next annual report on the Board's work to the Council at its thirty-fourth session, and subsequently on an annual basis at the March session of the Council, rather than at its June session, as originally requested by the Council inits resolution 18/18. The change will facilitate coordination of the session of the Board in Geneva with that of the Council. It is for this reason that the present report covers only the forty-third session of the Board, in its capacity relating to the Voluntary Fund for Technical Cooperation, held in Guatemala in October 2016.

II. Activities of the Voluntary Fund and the Board of Trustees

9. The Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights held its forty-third session in Guatemala from 10 to 14 October 2016. The session was chaired by Christopher Sidoti, who had been elected Chair of the Board of Trustees at its forty-second session. All five members of the Board attended the session.

A. Forty-third session (Guatemala)

10. In accordance with the Board's practice of holding one of its two meetings each year in a State where OHCHR has a field presence, the forty-third session was held in Guatemala. The main purpose of the visit, as in the case of previous visits to the field, was to gather in situ observations of the role and added value of OHCHR on the ground and to increase its understanding of the type of technical cooperation that OHCHR provides, and to give relevant guidance. The Board took the opportunity of the visit to Guatemala to meet in person with the OHCHR regional representative for Central America based in Panama City and the Deputy Director of the OHCHR country office in Colombia and, by video-conference, with the OHCHR representative for South America, based in Santiago, the OHCHR representatives for the country offices in Honduras and the Plurinational State of Bolivia, and the Human Rights Advisers in Paraguay and Jamaica.

11. The holding of the session in Guatemala provided the Board with an excellent opportunity to observe first-hand the type of technical cooperation that OHCHR is best placed to offer, starting with and based upon its monitoring role. Using its technical expertise and close interactions with actors on the ground, the Office gathers evidence-based information and credible, validated data on the human rights situation and challenges. It subsequently designs appropriate responses and suggests programmes to key partners on the basis of that information. The work of the Office in ensuring the integration of all rights, including civil, cultural, economic, political and social rights, is very effective. It strives to address the most serious human rights issues, including the most complex. The Board has observed interaction with partners in several of its previous field visits, particularly in Cambodia. The Board learned of the interaction made possible in Colombia during discussions with the representative of the Country Office in Colombia. The approach taken in Guatemala and in other country offices should be more widely known; the lessons learned from their experience should be applied in the establishment and strengthening of the work in all country offices.

12. In Guatemala, the Board held discussions with the staff members of the country office and with various national authorities, including the Ombudsman (*Procurador de los Derechos Humanos*), the Presidential Commission on Human Rights, the Attorney General, the President of the Supreme Court, the President of the Constitutional Court, and with United Nations partners and civil society bodies, including indigenous and Afrodescendent organizations. The discussions focused on the OHCHR programme in the country, its relevance and its impact. The Board also visited Rabinal in Baja Verapaz, and met with the Chixoy representatives.

13. The visit to Guatemala once again demonstrated that, when the Office is given the opportunity to use strategically the full mandate of the High Commissioner to support to the country's human rights efforts, the results are tangible and sustainable, and the Office is accepted as a key, reliable partner. The Board has already expressed this view to the Human Rights Council, and will continue to provide examples in its annual reports and presentations so as to ensure a better understanding of the type of technical cooperation that the Office is best placed to offer and provide. The value of the work of the Guatemala office was emphasized by all counterparts in country, including State institutions, civil society and members of the United Nations and the international community with whom the Board met.

14. The physical presence of its Office in Guatemala has enabled OHCHR to add the value of its unique mandate and to engage actively with all partners in the country. The added value is particularly evident in the space provided by the Office to human rights defenders, journalists and the victims of human rights violations. The Board met with many representatives of these groups, including indigenous peoples (in particular the women

beneficiaries of the Maya programme, the Office's strategic litigation programme), who many times expressed their appreciation for the capacity-building and accompanying role that the Office provides them in the defence of their rights. OHCHR legal literacy training programmes have resulted in them being able to promote and protect their own rights more effectively. The Maya programme of strategic litigation is a unique example of the programmes offered by the Office with landmark results, also in legislative reform and State policy and practice.

15. The Board was particularly pleased with the interactions of the OHCHR Guatemala Office with duty-bearers in all sectors, and in particular with the justice system. The information gathered at the meetings held with the Presidents of the Constitutional Court and the Supreme Court of Justice, the Ombudsman, the Attorney General and the President of the Presidential Commission on Human Rights highlighted how closely the Office was working with them and the tangible results attained in legal and constitutional reforms promoting human rights. In recent years, the Office has managed skilfully and effectively to maintain a delicate balance between advocacy on sensitive human rights issues, including in regard to transitional justice matters, and good, influential relations with the authorities. The cooperation and trust that the Office has managed to nurture with the Ombudsman and the courts have played a key role in ensuring, in difficult times, the persistence and coherence of messages, in full conformity with the State's international obligations. As a result of these strategic initiatives and proactive, constructive engagement, the Office today enjoys a high degree of credibility and trust among all partners and human rights defenders and victims.

16. The Office plays an important convening role and provides a trusted space for dialogue, by also creating channels of participation. This was particularly expressed by the indigenous community leaders with whom the Board met. The issue of participation and the need for improving it is a key one in the work of the Office, in particular in a context where participation often seems reduced to the right to prior consultation. In view of the trust gained from all actors, the Office also plays a critical role as facilitator of participation.

17. One of the greatest achievements of the Office in Guatemala is precisely its support for victims, in particularly but not only through the Maya programme, and also for State capacity-building efforts for the protection of human rights. This is an important area of work for OHCHR. The programme has been the subject of several audits and evaluations, which have endorsed its relevance and effectiveness. Indeed, the Board believes that the achievements of the Maya programme have been made possible by the overall work of the Office in a number of fields. In this context, it is convinced that OHCHR as a whole and its field presences generally would benefit from incorporating the experience of the Guatemala Office into its core work components, as an integral part of its key technical cooperation toolbox. The programme has in fact probably been the best practical demonstration of what is often referred to as the "theory of change".

18. The Board particularly welcomes the priority that the Country Office has afforded to the human rights issues of indigenous peoples in Guatemala, and how it has built on the recommendations made by human rights mechanisms and the special procedures following their country visits. The Board observed first-hand the partnership with indigenous representatives and found the Office's programmes and priorities appropriate and necessary. In addition, the Board was informed on the human rights issues that the population of Afrodescendants face, and considered that it was now timely and appropriate to accord higher priority to their situation, especially in the context of the International Decade for People of African Descent. The composition of the Office reflects the variety of Guatemalan society, an element that certainly plays an important role in the relevance, efficiency and effectiveness of its programmes.

19. The Board was as struck by the challenges ahead as by what has been achieved in the country to date. In the continuing context of crisis and a huge reform agenda, the progress that has been made should be sustained, and new challenges met and addressed. Several groups expressed their concern that, without continued support from the Office, there was a real risk of backsliding. The Board shares these concerns, and is of the view that the commitment to Guatemala and the strategy and modes of operation of the Office should be maintained and further strengthened. Some of the challenges remaining relate to transitional justice in Guatemala. While the Board was pleased to learn of the positive developments with regard to transitional justice, it also became aware of the technical support still required and how far there is to go before the national objectives of justice can be achieved. High expectations have been placed on the Office and the important role it should continue to play in this key area, where thematic expertise should be boosted, possibly by strengthening the support currently available.

20. In Guatemala, the Board was able to obtain a deeper insight into the importance and relevance of its mandate relating to both the Voluntary Fund for Technical Cooperation and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. During its meetings and in discussions held with other OHCHR representatives during the session, the Board noted that, although Guatemala is not currently a recipient of the latter fund, the implementation of review recommendations was a fully integrated aspect of the programmes offered by the Office, as was work related to implementation of the recommendations made by other human rights mechanisms. OHCHR is clearly better placed to provide expert technical assistance in this regard.

21. The Board was informed by several United Nations agencies and programmes operating in Guatemala on how they relied on the information provided by the country office and on advice concerning international human rights standards, in order to ensure full compliance in supporting the State's efforts to fulfil its international human rights obligations. The role of OHCHR in United Nations country teams, and particularly in developing and implementing the human rights-based United Nations programmatic tools, such as the United Nations Development Assistance Framework, is now more significant than ever in the light of the 2030 Agenda for Sustainable Development. In a country like Guatemala, where overcoming discrimination and exclusion continues to feature prominently in all national and United Nations efforts, leaving no one behind while ensuring full respect of human rights is an inevitable responsibility. The Office is seen as the expert point of reference and the main facilitator in this important endeavour with all key partners in the country.

22. The human rights impact and implications of business activities, and in particular the challenges involved in ensuring mechanisms for informed and meaningful consultations with affected local communities prior to any approval of a development project, including in particular marginalized and disadvantaged persons, are issues of particular relevance to the Board. This is an area where systematic documentation and the sharing of good practices across countries, and even globally, are of crucial importance in order to continue to provide effective technical cooperation support on the ground. In several of the countries it visited, the Board was informed on the role that the Office could play, and is expected to play, in supporting meaningful consultation processes, in particular in relation to development projects. The Office has, in general, managed to advance its capacities in providing guidance on development, for example on land-related issues (relying also on the experience of the country office in Cambodia). In the next programming cycle, it would be worth investing, with other relevant partners, such as the International Labour Organization and the United Nations Development Programme, in the assembly of good practices and in providing evidence-based assistance in consultations with indigenous peoples and also in helping businesses to fulfil their human rights responsibilities more effectively.

B. Forty-third session (general)

23. The Board took the opportunity of its session in Guatemala to connect and learn about the programmes of OHCHR other presences in the region; to take stock on the implementation of the programmes supported by the Voluntary Fund for Technical Cooperation; to develop its future programme of work, and to discuss matters relating to its responsibilities under the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. During the meeting, Christopher Sidoti formally assumed his role as elected Chair, to succeed Lin Lim.

24. Representatives of OHCHR presences in Colombia, Honduras and the Plurinational State of Bolivia, of the regional offices in Panama and Chile, and the Human Rights Advisers in Paraguay and Jamaica met with the Board personally or via videoconference to discuss their experiences in the area of technical cooperation in the region. After its discussions, the Board concluded that that investing in sharing experiences and expertise within the region would certainly be extremely beneficial to the work of OHCHR, for example in furthering the programme in newly established presences, such as in Honduras. The mandate of the Office in Honduras provides an excellent basis on which to make the most effective use of the full toolbox of the Office, its added value and expertise for the promotion and protection of human rights. In the view of the Board, the ability shown by the Office in adjusting its initial plans and programmes to the results of its information-gathering, in order to offer the quality support and products most relevant to the current situation in the country and the human rights challenges ahead, was exemplary.

25. The Board was particularly impressed by the experiences shared and discussed with members of the country office in Colombia, where so much has been accomplished in difficult circumstances. Challenges continue in the rapidly evolving environment. The discussions with the office were held at a critical time: soon after the signing – and subsequent narrow rejection in a referendum – of the national peace agreement; and when the renewal of the mandate of the country office was under discussion.[1] The Board was briefed in particular on the office's programmes on addressing violence, militarization, and respect and protection of human rights; the situation of human rights defenders; inequalities and efforts to support the rights of victims; and the fight against impunity. The Board found that the discussions on the work of the Office and support for national efforts to ensure investigations and prosecutions for extrajudicial executions carried out to inflate combat kill statistics (known as *falsos positivos*) were particularly relevant. It greatly appreciated the concrete examples of results illustrating the use of evidence-gathering (collecting evidence-based information and validating credible data) through monitoring work and close interaction with all relevant actors. Such examples are important for the design of appropriate responses and for proposing programmes and technical support to key partners on the basis of verified information. The quality of the information provided and the office's partnerships strategy, which focuses on maximizing the impact and visibility of its programmes, deserve full recognition and further support in the current context.

26. The work of regional offices in the area of technical cooperation was discussed at length with the two regional representatives. In the context of the High Commissioner's Change Initiative and the universality of human rights obligations, the Board strongly hopes for the future development of the capacity and reach of regional offices, in particular the specific thematic expertise required in each region. For example, one of the experiences shared by the regional office for South America in Santiago, regarding the deployment of

[1] The peace agreement was subsequently amended and approved by the Congress. The mandate of the country office was renewed until 31 October 2019.

very specific expertise to support the work of United Nations country teams, very effective. Through its national human rights focal points in Argentina, Brazil, Chile, Ecuador, Peru and Uruguay, and through close collaboration with Resident Coordinators, the regional office has advanced human rights mainstreaming considerably, and in particular the mainstreaming of anti-discrimination standards within the said country teams. The regional office systematically provides technical advice on human rights standards in all activities carried out by the country teams in the region, leading to greater increased openness and understanding of human rights. The preparations for the forthcoming OHCHR programming cycle for 2018-2021 could be an excellent opportunity to develop further and renew the roles of regional settings, with strengthened capacity in providing direct support to partners in the region and in relationships with other presences.

27. The Board was briefed by the secretariat on the status of implementation of the workplan and cost plan for the Voluntary Fund for Technical Cooperation. At the Geneva meeting, held earlier in 2016, the Board had reviewed in detail the programmes covered by the Voluntary Fund. It endorsed the status of implementation and noted the possible changes in the workplan for 2017, including the possible closing of some offices, in particular the end of the mission in Côte d'Ivoire and the downsizing of the office in the Russian Federation.

28. The Board proposed that its first session in 2017 be held in Geneva in March, and that the next field session, to be held in October 2017, should be to a country office or regional office in the Middle East, a region the Board has not yet visited.

III. Technical cooperation

A. Technical cooperation to support implementation of and follow-up on recommendations by human rights mechanisms

29. In recent years, the Board has brought to the attention of the Human Rights Council a number of components for effective technical cooperation by OHCHR that have become evident in its experience of overseeing the management of the Voluntary Fund. The Board, through its reports and presentations to the Council, has already elaborated on the importance of (a) anchoring technical cooperation to the universality and indivisibility of all human rights, including both protection and promotion aspects; (b) building and strengthening national frameworks and institutions in the field of human rights through technical cooperation and advisory services; (c) partnerships with United Nations entities on the ground; (d) technical cooperation programmes ensuring the broadest possible participation of all elements of national societies; and (e) effective technical cooperation reflecting national development objectives.

30. The Board continues to elaborate on the main elements of the above-mentioned components, building on its experience gained at its sessions in Geneva and in the field. The advice and guidance provided have been beneficial for supporting OHCHR in the implementation and development of the technical cooperation aspects of its programme for 2014–2017, and were also noted as relevant by several Member States during the annual thematic discussions on technical cooperation and the annual presentations of the report of the Chair of the Board to the Human Rights Council. In the present report, the Board elaborates on its view that, to be effective, technical cooperation in the field of human rights should be based upon and support implementation of and follow-up to the recommendations made by international human rights mechanisms, such as human rights treaty monitoring bodies, the universal periodic review and the special procedures of the Council.

31. The existing international human rights standards and protection framework defines the fundamental human rights norms that everyone should respect and protect. The framework has evolved substantially since the adoption of the Universal Declaration of Human Rights in 1948, through new treaties and new human rights mechanisms. To be effective, technical cooperation programmes in the field of human rights should be therefore solidly based on this international framework so as to ensure implementation of the acquired obligations by duty-bearers through capacity-building and strengthening, and also by empowering rights-holders to claim their rights.

32. The Board considers that, for technical cooperation in the field of human rights to have effective results that are sustainable for the promotion and protection of human rights, it should be aimed at translating into reality the obligations and commitments of Member States within the international human rights legal framework. Member States rightly face increasing requirements and expectations when implementing their treaty obligations, and also with regard to the result of their engagement with international and regional mechanisms and the recommendations of the international mechanisms. Reporting obligations under the international human rights system have also been increasing met as a result of the strengthened system following the treaties that have entered into force over the past decade.

33. At its field sessions, the Board has been able to observe how the technical support provided by OHCHR for legislative and policy development and reform, and for capacity-building for rights holders and civil society, is in practical terms informed and based on standards and recommendations. In the different countries visited by the Board, the members confirmed that a human rights-based approach works most effectively when evidence-based information and credible and validated data on the situation and challenges on the ground are carefully analysed on the basis of international human rights standards and are used to guide the formulation and implementation of public policies. In Ukraine, government agencies, the United Nations country team and development partners all emphasized how much they relied on the fact-based and up-to-date monitoring reports of OHCHR as the basis for designing their own response policies and programmes. In Mexico, the Voluntary Fund has supported the OHCHR country office and country partners in human rights information and data-gathering. During its visit to Mexico, the Board was able to discuss with Federal and State authorities the relevance of this information in order to reach a solid diagnosis based on the recommendations and observations made by international mechanisms for the development of sound human rights plans of action. In South America, the regional office has been successful in developing and promoting a database of recommendations that encourages implementation and allows monitoring of progress made. In Guatemala, the country office has worked closely with governmental agencies to develop and monitor plans for the implementation of recommendations. In Cambodia, the country office has made a particularly important contribution to follow-up on recommendations made by all human rights mechanisms in the area of justice system reform, prison reform and the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.

34. The utility, relevance and strength of the existing international human rights framework, and in particular the recommendations made by international human rights mechanisms, should not be underestimated in the efforts made to implement the 2030 Agenda for Sustainable Development and the Sustainable Developments Goals. The technical support and added value afforded by OHCHR are paramount to ensure a full understanding and utility of the framework in the development and monitoring of implementation plans and in the measurement of results to achieve the Sustainable Developments Goals. OHCHR technical cooperation programmes should make a practical contribution to ensure that the standards and recommendations of international and regional

human rights systems inform the development of national plans of action and of useful indicators.

35. The Board, through its experience on the ground, is convinced that technical support and capacity-building programmes directed at national institutions, including legislative, judiciary and national human rights institutions fully compliant with the principles relating to the status of national institutions (the Paris Principles), or institutions that are moving towards full compliance with the principles, are strategically critical to ensure adequate follow-up to and monitoring of implementation of recommendations made by international and regional human rights systems. For example, during its visit to Ukraine in February 2016, the Board met with the members of the Ombudsman's office to discuss the opportunities for cooperation with the OHCHR mission in strengthening the national protection system. Following the interest expressed by the Ombudsman's Office in strengthening the mechanisms for follow-up on the recommendations of the universal periodic review and other human rights mechanisms, an interest also shared by the Ministry of Justice, the Board provided information about the possibilities of additional support through the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, which could complement the continuing collaboration within the country. It also shared some of its recent experiences in other regions. Similarly, during its visit to Mauritania in January 2013, and to Cambodia in February 2015, the Board was impressed by the support provided by the OHCHR country office to the national human rights institution and to the justice system, respectively.

36. In drawing attention to the importance of promoting and monitoring implementation of recommendations of international mechanisms, the Board emphasizes that promotion and monitoring are not ends in themselves but means to achieve the goal of full compliance with international human rights obligations. The focus of monitoring should be measuring and reporting on changes in the enjoyment of all human rights. Monitoring is a tool for both evaluating past performance and identifying future measures required for greater compliance. Monitoring is of no benefit without evaluation of the past and strategizing for the future. The Board considers that technical cooperation should enable this kind of past and future-oriented monitoring.

37. Since its establishment, the Voluntary Fund has supported numerous programmes on the ground that refer to international human rights standards and the recommendations emanating from the international human rights system as a basis for planning and programme development. The development of databases of recommendations of international mechanisms will contribute to this. Databases group recommendations thematically, enabling easier identification of both critical issues and priorities, and the development of strategies to address them. For example, the database developed by the South American regional office and implemented in several countries in the region has proved highly successful.

38. In the current implementation phase of the OHCHR cycle for 2014-2017, OHCHR field presences resourced by the Voluntary Fund have produced many concrete results through this type of cooperation. Mechanisms for follow-up to recommendations made by international human rights mechanisms or on national human rights plans of action reflecting those recommendations have been established or further developed in a number of countries as a result of technical support provided by OHCHR presences supported by the Fund. In the Plurinational State of Bolivia, for example, the Ministry of Foreign Affairs, the General State Prosecutor and the Ministry of Justice signed an agreement for the creation of a coordinating body and for the development of a computerized monitoring system, both launched at the end of 2015 and early in January 2016 to support the follow-up to the recommendations accepted by the State. In Mexico, local human rights programmes were developed or strengthened, through a participatory process, in the States

of Baja California, Coahuila, Jalisco, Oaxaca and Tamaulipas. In Kenya, the Parliament adopted a national policy and plan of action on human rights, which had been developed through a highly participatory process. Regarding actions relevant to specific recommendations, in the key area of gender equality and women's rights, in Guinea-Bissau, the National Assembly approved a declaration that outlined a number of gender mainstreaming actions, including one establishing a minimum quota of 40 per cent for women at all levels of the decision-making process. In Tunisia, the OHCHR country office, in cooperation with other relevant United Nations partners, supported a number of national legislative efforts as follow-up to recommendations made by the Committee on the Elimination of Discrimination against Women; this included support for the adoption of organic law No. 2016-61 on preventing and combating human anti-trafficking, the preparation of the comprehensive organic draft law on violence against women and the amendment by the Government of the law on passports, ending a discriminatory practice that prevented women from leaving the country with an underage child without the authorization of the child's father. In Mauritania, the Parliament adopted a law on the establishment of a national preventive mechanism under the Optional Protocol to the Convention against Torture. Other countries have witnessed increased ratification of international human rights treaties. For example, following the visit by the Working Group on Enforced and Involuntary Disappearances in 2015, Sri Lanka ratified the International Convention for the Protection of All Persons from Enforced Disappearance in May 2016. The OHCHR presence on the ground assisted through technical cooperation in this endeavour.[2]

39. During its field visits and its discussions with relevant authorities and partners, the Board witnessed testimony on the importance of OHCHR support for ensuring that national policies comply fully with international human rights standards and that national efforts are aimed at the implementation of recommendations made by international human rights mechanisms. The offices operated by OHCHR have the expertise necessary to assess the effectiveness of government efforts; for example, during the Board's visit to Guatemala, in October 2013, it visited Rabinal and met with indigenous groups to discuss economic development programmes in the area. It heard indigenous concerns that consultation with them had been inadequate and the subsequent developments lacked their full, free and informed consent. The OHCHR country office has been able to provide advice to both State institutions and indigenous groups on the requirement for full, free and informed consent and the meaning of effective consultation. During discussions in Saltillo, Mexico, in February 2014, government officials and representatives of civil society organizations informed the Board on efforts to address disappearances and extra-judicial executions. The OHCHR country office has been able to provide advice to both government and civil society on these issues.

40. The reports and recommendations of international human rights mechanisms should be part of the basis for the development of a common country assessment and subsequently a Development Assistance Framework. The assessments can benefit from the analysis by the mechanisms of the most significant human rights issues in the country concerned, while the Development Assistance Framework can include programmes and initiatives to allow implementation of the recommendations made by the mechanisms. While these tasks are the responsibility of the United Nations country team as a whole, the specific expertise and experience of OHCHR, drawn from the work of its field presences in so many countries and regions, is critical to the process. The technical cooperation offered by OHCHR will

[2] For further information on the results achieved around the world thanks to the technical support offered by the Office, see the OHCHR annual report for 2016.

assist not only the State but also country team, and will have a direct impact on the promotion of compliance with international human rights obligations.

B. Synergy and partnerships with other United Nations entities

41. During its visits to OHCHR field presences, the Board has continued to pay attention to the synergy and partnerships among United Nations agencies and programmes in the area of technical cooperation in the field of human rights. Through discussions with Resident Coordinators and representatives of other United Nations agencies and programmes, the Board has had the opportunity to understand how the United Nations system-wide commitment to human rights has evolved positively over recent years.

42. Several United Nations initiatives have resulted in important contributions to the mainstreaming of human rights standards at the country level. These initiatives include the capacity-building of United Nations teams on the human rights-based approach to programming, strengthening the capacity of Resident Coordinator systems on human rights, and more extensive deployment of human rights advisers. These initiatives have allowed United Nations teams operating in the field to respond more effectively to the opportunities that the Sustainable Development Goals and the 2030 Agenda for Sustainable Development offer for the promotion and protection of human rights.

43. During its visit to Guatemala, the Board also noted the positive impact of the *Guidance Note on Human Rights for Resident Coordinators and United Nations Country Teams*, issued by OHCHR in collaboration with the United Nations Development Group Human Rights Working Group and the United Nations Development Coordination Office. While the publication is seen as an important technical tool, several Resident Coordinators also emphasized to the Board the importance of access to specific good practices and lessons learned so that they are better able to determine the effective courses of action.

C. Measuring results of technical cooperation, and the response of the Office of the High Commissioner

44. The OHCHR performance monitoring system, which has been upgraded and improved on an continuing basis, continues to be a critical tool that provides the Board with the information it requires to undertake its functions. During all its field visits, the Board has observed how the system is an indispensable tool for planning entities. Indeed, at its most recent sessions in the field, the Board was particularly impressed by the opportunities that the system provides for greater coordination among all planning entities, which in turn strengthens cooperation and thus maximizes the use of resources.

45. The Board has observed the improvements made in the performance monitoring system to ensure that the financial module is also fully functional. It continues, however, to be concerned at the challenges still experienced in the timely preparation of financial reports and the processing of transactions by Umoja. The Board is of the opinion that the United Nations Secretariat should support OHCHR in ensuring that the deployment of Umoja does not undermine the implementation of OHCHR programmes, but that rather it strengthens further the excellent progress made in becoming a fully results-oriented organization, thanks to the support of the performance monitoring system.

D. Main findings, challenges and recommendations

46. The Board has continued to engage with the technical cooperation components of OHCHR relevant to each of its thematic strategies, and to give advice on their

implementation in the 2014–2017 programming cycle. The Board looks forward to making its expertise and experience available to OHCHR in the development of the 2018-2021 programming cycle, which will be undertaken in 2017.

47. Technical cooperation in the field of human rights has substantially advanced in recent years. What is now needed is an improved understanding of the types of technical cooperation that OHCHR can and is best placed to provide, taking into account not only its mandate and expertise but also its 25 years of experience in field operations. The Board very much hopes that its views regarding the components of effective technical cooperation and the outcomes of its sessions can help to strengthen this understanding. This is particularly important in view of the critical support that the Office can provide, as described in the present report, in the review of national development objectives in the context of the 2030 Agenda for Sustainable Development and other important international initiatives, such as the Human Rights Up Front initiative. The Board was pleased to learn from national partners about the key contributions that OHCHR has been able to make when it has a presence in the field, and when the presence is properly staffed and financed, and has a framework of operations that adequately represents the High Commissioner's mandate.

48. The Board encourages States to continue to work with OHCHR in implementing innovative approaches and replicating and sharing good practices and lessons learned across countries and regions. This is critical if the strengthening of the human rights programme is to be continued. The Board notes that an increasing number of States openly acknowledge the role and support of OHCHR field presences during thematic panel discussions on technical cooperation at the sessions of the Human Rights Council. Such positive recognition should be translated into more substantial and sustained funding of OHCHR, through both the United Nations regular budget and additional contributions by States, so that it is able to provide adequate support to States in the promotion and protection of human rights.

49. The adoption of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, with their robust and explicit human rights-based approach, requires a new understanding of what constitutes official development assistance (ODA). The Board is persuaded that all contributions to OHCHR should now be treated as ODA in view of the critical importance that all its work has for sustainable development and the achievement of the 2030 Agenda.

IV. Status of funding and donors

50. At its meeting in Guatemala in October 2016, the Board was updated on the overall financial status of OHCHR and the financial status of the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Board also discussed and analysed the status of implementation of the workplan for the Voluntary Fund for 2016. Despite the continuing reduction in expenditures under the Fund in accordance with the initiatives taken by the Office to reduce its funding gap, support for technical cooperation continues to exceed the voluntary contributions received by the Fund. An analysis of funding trends between 2008 and 2016 (see annex I) shows the continuing decrease in voluntary contributions to the Fund, particularly in the past three years, which is having a negative impact on the capacity to respond positively to current needs and demands on the ground.

51. In 2016, the total expenditure as at 31 December 2016 was $14,301,000, substantially less than the projections in the workplan owing to a number of reductions in various programmes. The reductions largely corresponded to the deficit between contributions received throughout 2016 and assessed needs. By 31 December 2016, the

Fund had received a total of $11,201,283 ($3,144,098 specifically earmarked for the Voluntary Fund, $5,179,932 to be allocated to specific country projects on technical cooperation, and $2,877,253 allocated to the Fund as un-earmarked funds). The Fund provided resources for technical cooperation programmes designed to build strong human rights frameworks at the national level in 27 regions, countries and territories through 13 human rights advisers (in Chad, Kenya, Madagascar, the Niger, Papua New Guinea, Paraguay, the Republic of Moldova, the Russian Federation, Rwanda, Serbia, South Caucasus (Georgia), Sri Lanka and Timor-Leste); 10 human rights components of peace missions (in Afghanistan, the Central African Republic, Côte d'Ivoire, Guinea-Bissau, Haiti, Kosovo,[1] Liberia, Libya, Somalia and the Sudan (Darfur)); and four country/stand-alone offices (in Bolivia (Plurinational State of), Mauritania, Mexico and the State of Palestine).

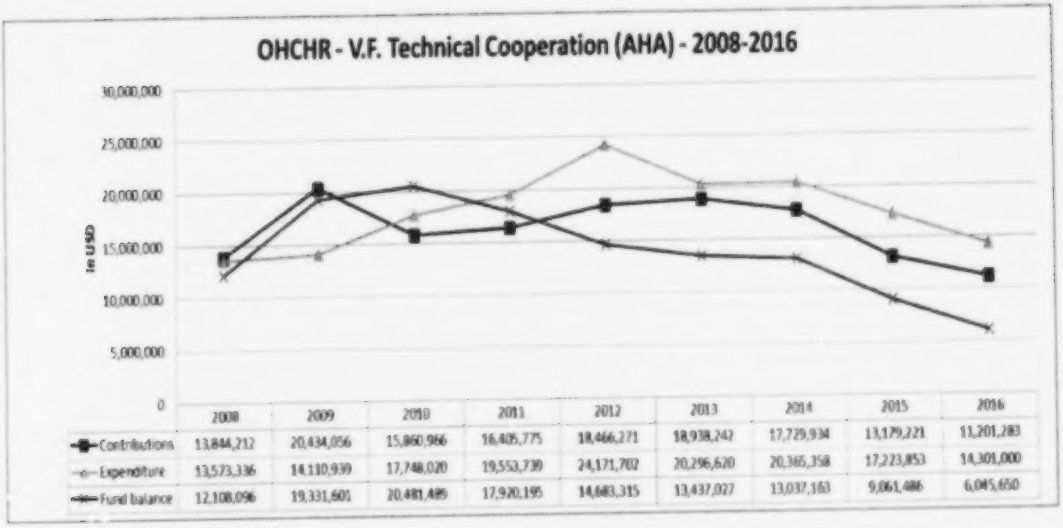
92. Through the Fund, the Office has facilitated efforts made at the country level to incorporate international human rights standards into national laws, policies and practices, including through follow-up to recommendations made by international human rights mechanisms, and contributed to the establishment and strengthening of national structures, institutions and capacities to ensure adherence to these standards. Strengthening the administration of justice, including support in increasing access capacities for individuals and groups facing discrimination and exclusion, and increasing capacities to promote gender equality and women's rights, have also featured prominently in numerous programmes receiving support from the Voluntary Fund. The establishment and functioning of responsive national human rights institutions compliant with the Paris principles and human rights education programmes continued to receive support. United Nations resident coordinators and country teams have also seen their human rights capacity strengthened by the deployment of human rights advisers. Detailed information on income and expenditure under the Voluntary Fund, its financial status in 2016 and a list of donors and contributors are annexed to the present report (see annexes II – IV).

93. The Board continues to emphasize the importance of ensuring sustainable increased contributions to OHCHR and to the Voluntary Fund.

[1] Reference to Kosovo should be understood to be in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

Annex I

Contributions to the Voluntary Fund and expenditure trends (2008-2016)



	2008	2009	2010	2011	2012	2013	2014	2015	2016
Contributions	13,844,212	20,434,056	15,860,966	16,405,775	18,466,271	18,938,242	17,729,934	13,179,221	11,201,283
Expenditure	13,573,336	14,110,939	17,748,020	19,553,739	24,171,702	20,296,620	20,365,358	17,223,853	14,301,000
Fund balance	12,108,096	19,331,601	20,481,489	17,920,195	14,683,315	13,437,027	13,037,163	9,061,486	6,045,650

Annex II

Voluntary Fund cost plan and expenditure (2016)

United Nations Human Rights

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OHCHR EXTRABUDGETARY RESOURCES

Voluntary Fund for Technical Cooperation

Project Number	Field Operations & Technical Cooperation Division	Number of staff	Cost Plans 2016			Expenditure
			Staff costs	Activities	Total	USD as 31.12.2016
	(a) Human Rights Advisers in UNCT (13) :					
	- Activities implemented by OHCHR HRAs to the UNCT in:					
SB-002067	- Russian Federation	6	486,818	680,052	1,066,870	798,595
SB-002065	- South Caucasus, Georgia	5	597,166	240,565	637,709	582,135
SB-002068	- Moldova	2	87,595	90,146	177,733	180,747
SB-002365	- Serbia	3	320,160	146,615	466,755	381,836
SB-002085	- Rwanda	3	285,456	129,046	412,492	361,962
SB-002065	- Kenya	5	483,495	318,547	802,042	698,340
SB-002066	- Niger	1	52,985	38,887	91,870	47,787
SB-002089	- Chad	3	376,597	255,889	632,486	521,461
SB-002077	- Madagascar	4	274,133	206,291	480,424	361,782
SB-002072	- Paraguay	3	399,819	213,208	573,027	543,020
SB-002064	- Papua New Guinea	3	403,677	289,446	693,123	662,135
SB-002083	- Sri Lanka	2	62,905	107,171	170,076	112,211
SB-002396	- Sri Lanka (USAID)	1	100,613	45,047	145,660	123,476
SB-002099	- Timor Leste	4	355,188	119,520	474,708	455,185
	sub-total HR Advisers	*55*	*4,044,563*	*2,708,600*	*6,524,963*	*5,433,854*
	(b) Human Rights Components of UN Peace Missions (8)					
	- Activities implemented by UN Peace Missions Human Rights Units in:					
SB-002088	- Haiti			90,045	90,045	23,296
SB-002076	- Afghanistan			297,658	297,658	85,311
SB-002086	- Côte d'Ivoire			238,260	238,260	137,863
SB-002090	- Liberia			56,641	56,641	39,698
SB-002093	- Somalia			105,000	105,000	136,830
SB-002567	- South Sudan			160,370	160,370	161,427
SB-002084	- Guinea Bissau			70,659	70,659	59,436
SB-002087	- Central African Republic			107,499	107,499	(92,742)
SB-002073	- Kosovo	1	64,794	58,306	83,100	55,150
SB-002092	- Libya			123,227	123,227	91,875
	sub-total Peace Missions	*1*	*64,794*	*1,311,667*	*1,320,457*	*677,617*
	(c) Country/Standalone Offices (4)					
SB-002069	- Mauritania	9	630,000	459,256	1,049,305	947,569
SB-002062	- State of Palestine	25	2,517,315	818,207	3,335,522	2,884,879
SB-002103	- East Jerusalem, public information and legal analysis	4	543,692	40,499	583,591	496,976
SB-002071	- Bolivia	11	1,093,770	719,731	1,813,501	1,851,016
SB-002059	- Mexico	23	1,871,465	612,592	2,484,055	2,388,924
	sub-total Country /Standalone Offices	*71*	*6,416,709*	*2,650,284*	*9,065,974*	*8,570,464*
	Adjustments related to 2016 prepaid expenditure/ liquidation of obligations					*(80,034)*
	Sub-Total	**117**	**10,545,066**	**6,674,526**	**17,219,394**	**14,301,900**
	Total (including 13% PSC)			**17,219,394**		**83%**

Annex III

Financial status of the Voluntary Fund (2016)

Office of the High Commissioner for Human Rights
United Nations Voluntary Fund
for Technical Cooperation (AHA)

Statement of Income and Expenditure
for the period 1 January - 31 December 2016

	USD
I. Income	
Voluntary contributions and pledges received in 2016	11,201,282.67
Gain/loss on exchange (on contributions)	7,716.19
Miscellaneous and Interest income	76,164.62
Total income	**11,285,163.48**

II. Expenditure */	**USD**
Staff and other personnel costs (including consultants)	8,159,272.42
Travel of Staff/Representatives to meetings and seminars	338,670.25
Contractual Services	858,623.36
General Operating and Other Direct Costs	2,856,699.67
Supplies, Commodities and Materials	60,634.54
Equipment, Vehicles and Furniture	284,123.08
Transfers and Grants to Implementing Partners	190,843.67
Indirect Programme Support Costs (13%)	1,552,132.62
Total expenditure	**14,300,999.63**
Net excess/(shortfall) of income over expenditures for the period	**(3,015,836.15)**
Opening Balance 1.01.2016	**9,061,485.96**
Miscellaneous adjustments, savings, refunds	**0.00**
Total fund balance as at 31.12.2016	**6,045,649.81**

**/ Includes disbursements and obligations*

Annex IV

Donors and contributors (2016)

UN Voluntary Fund for Technical Cooperation (VFTC) Voluntary contributions in 2016 (as at 31 December 2016)					
Donor	**Pledge US$**	**Paid US$**	**Gain/(loss) on exchange**	**Unpaid pledge US$**	**Earmarking**
Australia	164,302			164,302	VFTC
Finland (pledge EUR 800,000)	893,855	891,862	1,993		VFTC
Germany	345,395	345,395	0		VFTC
	507,246	507,246	0		VFTC
	682,590	682,590			VFTC
India	100,000	100,000	0		VFTC
Liechtenstein	40,120	40,120	0		VFTC
Switzerland (pledge CHF 500,000)	510,725	510,725			VFTC
United States of America	1,000,000	1,000,000			VFTC
	1,100,000	1,000,000		100,000	VFTC
(a) total contributions earmarked to VFTC	**5,179,952**	**5,077,939**	**-1,993**	**100,000**	
Australia	74,683			74,683	Activities in the Asia-Pacific region (allocated to Papua New Guinea)
	74,683			74,683	Activities in the Asia-Pacific region (Sri Lanka)
	74,683			74,683	Afghanistan
	74,683			74,683	Activities in the Asia-Pacific region (allocated to Timor Leste)
Canada	46,748	43,852	-465	2,431	Afghanistan - Violence against women
France	44,593	45,351	758		Mauritania
Germany	71,032	71,032	0		HRA in Serbia
	167,224	167,224			CD in Mauritania
	120,401	120,401			Co in Mexico
International Organization for Migration	22,000	22,000			Mauritania
Netherlands	143,900	143,900			Elections in Kenya
Norway	253,283	258,114	4,831		OPT
Organisation Internationale de la Francophonie	33,186	26,637	88	6,637	Madagascar
Saudi Arabia	200,000	200,000			Opt
	280,000	280,000			Mauritania
Switzerland	340,000	340,000			oPt (Office in East Jerusalem)
	23,000	23,000			Human Rights Monitoring Mission in Ukraine
United States of America	700,000	700,000			Mexico
	400,000	400,000			Bolivia
(b) total contributions earmarked to specific projects	**3,144,098**	**2,841,513**	**5,213**	**307,799**	
Unearmarked funds allocated to VFTC					
Norway	2,381,749	2,381,749	0		Unearmarked
Sweden	495,504	500,000	4,496		Unearmarked
(c) total unearmarked funds	**2,877,253**	**2,881,749**	**4,496**	**0**	
TOTAL (a) + (b) + (c)	11,201,283	10,801,200	7,716	407,799	